

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB251)

Received: **09/25/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Costs of transporting an arrested person by ferry

Instructions:

See attached email of 9-24-09

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 09/25/2009	wjackson 09/29/2009		_____			
/1			phenry 09/29/2009	_____	lparisi 09/29/2009	lparisi 09/29/2009	

FE Sent For:

<END>

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/?	phurley	11 Wlj 9/28	q be ph	9 be ph/mb			
FE Sent For:							
<END>							

Hurley, Peggy

From: Barry, Sarah
Sent: Thursday, September 24, 2009 5:04 PM
To: Rottier, Nancy M - COURTS; Hurley, Peggy
Cc: Sklansky, Ron; Vandercook, Marcia L - COURTS
Subject: RE: SB 251 re Costs of Ferry Service

Nancy & Peggy—

Please go ahead with the suggested amendment. Peggy—please advise on whether you think a simple or a substitute makes sense. I do not believe Gary and Bob have a preference. Ron—if you have any concerns please let me know.

Thank you,

Sarah Barry
 Office of State Senator Bob Jauch
 118 South, State Capitol
 608-266-3510 (office)
 608-216-4355 (cell)

From: Nancy Rottier [mailto:Nancy.Rottier@wicourts.gov]
Sent: Thursday, September 24, 2009 3:26 PM
To: Hurley, Peggy
Cc: Sklansky, Ron; Barry, Sarah; Vandercook, Marcia L - COURTS
Subject: SB 251 re Costs of Ferry Service

In line with our discussion regarding SB 251, we are suggesting a change that would place this new provision under Subchapter I, Costs in Civil Action and Special Proceedings. It could be placed at the end of the subchapter, numbered 814.52 or other number as appropriate. We think it is more appropriate to call it a "cost" rather than a "fee" throughout the draft. We leave it to you to decide: (1) whether this can be a simple amendment or a substitute amendment, and (2) whether language should be included in the amendment to indicate it applies in both civil and criminal proceedings (similar to the language contained in s. 814.51) or whether this is implied.

I have talked to Sarah Barry of Sen. Jauch's staff and copied her in so that she can indicate whether she wants you to proceed with the amendment. Here's our suggesting wording, with words to be deleted placed in brackets.

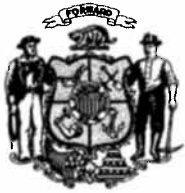
SECTION 1. 814.52 of the statutes is created to read:

814.52 Costs of Transporting by Ferry. (1) If a law enforcement agency requests a ferry provider to operate beyond its usual hours of operation in order to transport an arrested person to a jail or other facility, the law enforcement agency shall be reimbursed for the costs pursuant to sub. (2) it incurs to pay for the ferry transport.

(2) In any civil or criminal action or proceeding, if a circuit court enters a judgment against a defendant who was the subject of a ferry transport described in sub. (1), the clerk of circuit court shall collect an amount [a fee] equal to the costs incurred by a law enforcement agency under sub. (1). When judgment is entered against the defendant, the defendant shall pay the costs [fee] and the clerk of circuit court shall pay the law enforcement agency that requested the transport.

Nancy M. Rottier
 Legislative Liaison, Supreme Court
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 P.O. Box 1688
 Madison, WI 53701-1688
 (608) 267-9733
 Nancy.Rottier@wicourts.gov

09/25/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

50130//
LRB-312871

PJH:wlj:md

stays

2009 SENATE BILL 251

9-25-09

August 5, 2009 - Introduced by Senator JAUCH, cosponsored by Representative SHERMAN. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

regen

- 1 AN ACT *to create* 814.625 of the statutes; **relating to:** costs of transporting by
2 ferry an arrested person.

we removed
and must
reimburse

Analysis by the Legislative Reference Bureau

Under current law, a person who is subject to a fine or forfeiture for violating a state law or local ordinance is also subject to a variety of court costs, fees, and surcharges.

Under this bill, if when a person is arrested, he or she is transported by ferry after the ferry's usual hours of operation, the person is subject to a fee that reimburses the law enforcement agency that incurred the costs of transporting the person by ferry.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 814.625 of the statutes is created to read:
4 814.625 Transport ~~from~~ (1) If a law enforcement agency requests a ferry
5 provider to operate beyond its usual hours of operation ~~to~~ to transport an

81452

SENATE BILL 251

1 arrested person to a jail or other facility, the law enforcement agency shall be
2 reimbursed for the costs pursuant to sub. (2) it incurs to pay for the ferry transport

3 (2) If a circuit court enters a judgment against a defendant who was the subject
4 of a ferry transport described in sub. (1), the clerk of circuit court shall collect a fee
5 equal to the costs incurred by a law enforcement agency under sub. (1). When
6 judgment is entered against the defendant, the defendant shall pay the fee and the
7 clerk of circuit court shall pay the law enforcement agency that requested the
8 transport.

9 (END)

In any civil or criminal action or proceeding, if